

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)

Plaintiffs,)

vs.)

Case No. 4:09-CV-00686-ERW

E.I. DUPONT DE NEMOURS AND)
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)

Defendants.)

**DEFENDANTS' MOTION FOR LEAVE TO FILE UN-REDACTED DEFENDANTS'
SUPPLEMENTAL REPLY MEMORANDUM
AND EXHIBITS THERETO UNDER SEAL**

Pursuant to E.D. Mo. L. R. 13.05(A), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "DuPont") respectfully move the Court for an order allowing DuPont to file under seal a complete, unredacted copy of Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper Construction and Application of the Discovery Stipulation and the exhibits thereto. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

2. Portions of Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper Construction and Application of the Discovery Stipulation contain or discuss information designated as Confidential or Restricted Confidential by at least one of the parties or the Court. In addition, the exhibits to Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper

Construction and Application of the Discovery Stipulation contain and/or discuss information designated as Confidential or Restricted Confidential, including confidential hearing and deposition transcripts. Therefore, Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper Construction and Application of the Discovery Stipulation and the exhibits thereto should be sealed. DuPont is not filing a redacted version of the Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper Construction and Application of the Discovery Stipulation as part of the public record due to the short amount of time given to prepare and file this brief, but it can do so if necessary at a later time.

WHEREFORE, Defendants respectfully requests that the Court enter an order allowing it to file under seal a complete, unredacted Defendants' Supplemental Reply Memorandum in Support of their Second Motion to Compel Regarding the Proper Construction and Application of the Discovery Stipulation and the exhibits thereto.

Dated: February 9, 2011

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ C. David Goerisch

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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